

FILED

Aug 4, 2008

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IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DUANE R. OLSON,
Applicant/Prisoner,

CIVIL CASE NO: 08-CV-3505

Versus

THE HONORABLE(S) LEINENWEBER/COX

JORGE PASTRANA,
Respondent/Defendant.

A MOTION TO AMEND OR SUPPLEMENT,
THE ATTACHED NEWSPAPER ARTICLE,
TO THE EIGHTEEN EXHIBITS,
IN THE ORIGINAL HABEAS CORPUS APPLICATION,
NOW MOVING BEFORE THIS HONORABLE COURT,
Pursuant To Fed. R. Civ. P. **RULE 15(a)**.

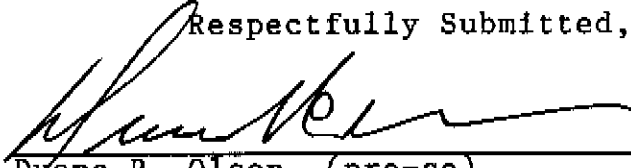
COMES NOW, DUANE R. OLSON, (hereafter-Olson) to seek this Court's Permission to Amend or Supplement the Attached Newspaper Article to the Original Eighteen EXHIBIT(S) in Olson's Application for Habeas Corpus Relief in the above Styled Action now before the Bench of this Honorable Court.

On June 21, 2008, Olson Composed a letter accusing the Executive and Judicial Branches of the Government of the United States of Conducting America's "WAR on DRUGS" under color of THE DOCTRINE of CONSTRUCTIVE IMPLICATION and without jurisdiction in personam over any person at random, Citizen or Foreign National, within the Boundries of the United States, its Territories, and/or Possessions.

The letter was mailed to the Attention of the Honorable Senator PATRICK LEAHY, Chairman of the Senate Committee on the Judiciary, Representative, The Honorable JOHN CONYERS, Chairman of the House Committee on the Judiciary, The American Civil Liberties Union, The Washington Post, Rolling Stone Magazine, and Olson's Friend and Editor of the IDAHO OBSERVER.

On Friday, July 25, 2008, Olson recieved His July Edition of The IDAHO OBSERVER with the aforementioned letter in the newspaper.

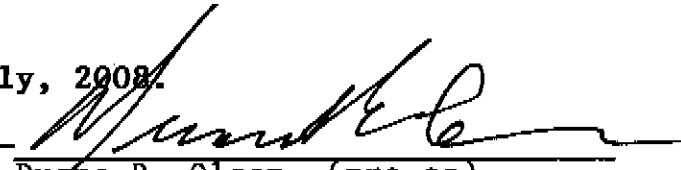
Olson Respectfully Requests the Court to Attach the News Article to the Eighteen Exhibits in Support of Olson's Application for Habeas Corpus Relief with an Instant Liberty Issue.

Respectfully Submitted,
Applicant/Prisoner — 
Duane R. Olson (pro-se)
Reg. No: 04931-424
P.O. Box 779800 Unit "C"
Federal Correctional Institution
Miami, Florida 33177-0200

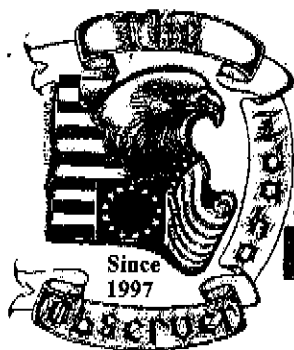
CERTIFICATE OF SERVICE

I, DUANE R. OLSON, hereby Swear and Certify, under penalty of perjury, that I mailed a TRUE and CORRECT Copy of the foregoing Request to Amend or Supplement a Newspaper Article to the Original Application for Habeas Corpus Relief, to ERIK A HOGSTROM, Asst. U.S. Attorney, 219 South Dearborn Street, Chicago, Illinois, 60604.

Executed on this 29th day of July, 2008.

Affiant — 

Duane R. Olson (pro-se)
Reg. No: 04931-424



DEBT CLOCK: 11:01 PM, GMT—July 20, 2008: \$9,523,250,195,352.25 ; \$31,286.13 per person

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"Capitalists have added
a new fascist twist to
contemporary capitalism:
Profits are private and losses
are public."
~Dr. Norman
Livergood

Drug war is executive and judicial tyranny

The following epistle was sent to Rolling Stone, The Washington Post, Senate Judiciary Committee Chairman Patrick Leahy, House Judiciary Committee Chairman John Conyers and the American Civil Liberties Union. The happy truth is that Duane Olson has solved the drug war riddle. The sad truth is that the government has not yet been compelled to admit that its war on drugs is really executive and judicial tyranny under the pretense, or color, of "law."

As a federal prisoner for 18-years with nine to go I've learned not to ask what another prisoner is "in" for—it's not considered proper "convict-equette." But when and if you do, swindlers, scam artists, computer hackers and pedophiles, to name just a few, will all say, "White-collar"; bank robbers will say, "Bank robber"; counterfeiters will say, "Counterfeiting" and; 70 percent or so will say, "Drugs" but none of them will say "(a)" which is really what they are in for—"violations" of the infinite letter "(a)" in America's "War on Drugs."

The executive and judicial branches of the government of the United States have combined, conspired and had/have tacit agreement, to "take-away" the "Life, Liberty and Property" of hundreds of thousands (if not millions) of men and women from nearly every nation on this planet—with dead bodies on both sides for almost 40-years—for violations of U.S. Code Section 841(a)(1).

The facts are clear: There is no congressionally-enacted federal criminal statute nor "[l]aws of the United States," nor Common Law standing alone, that would make it "unlawful" for **any person** (**any person**, when indicated in boldface, hereafter infers the U.S. criminal justice definition of **any person** which, apparently, includes **any person** at random, citizen or foreign national, on this planet or in outer space, to possess, manufacture, distribute, or dispense. . . "[a] controlled substance" (whatever that is!).

The reader need only pull-up at random the jury instructions after a trial, or the sentencing transcripts of a plea agreement of anyone of the hundreds of thousands of federal drug cases over the last 38 years, alleging **any person** to be "[i]n violation of Title 21, U.S. Code, Section 841(a)(1)" to learn that the judicial and executive branches of the government of the United States have knowingly and intentionally "interpreted" the statute 841(a)(1) to mean the statute makes it, "[u]nlawful for **any person** knowingly or intentionally" to possess, manufacture, distribute, or dispense... [a] controlled substance" (whatever that means). Well, it does not.

Common Sense dictates that if it were a federal "crime" for **any person** to possess, manufacture, distribute, or dispense, drugs, narcotics, or hallucinates, there would be no point in stopping by the neighborhood drug store to pick-up the "miracle" drug the family doctor prescribed because both the doctor and the pharmacist would be in federal prison!

The 91st Congress constitutionally "authorized" the attorney general to promulgate "rules and regulations...for regulated persons and of regulated transactions" in controlled substances [21 U.S.C. § 821] and to "enforce" those "rules and regulations."

The 91st Congress enacted the penal statute, Section 841 which makes it; "[u]nlawful for **any person** knowingly or intentionally" to possess, manufacture, distribute, or dispense, "[c]ontrolled substances....(a) Except as authorized by this subchapter," referencing the "Authorized activities" of Title 21, United States Code, Section 822(b).

Section 841(a)(1) is a "negative" statute, the "positive" of which, makes it "lawful" for "[a]ny person knowingly or intentionally" to possess, manufacture, distribute, or dispense, "[c]ontrolled substances....[t]o the extent authorized by their registration," (Section 822[b] of Title 21).

It would be constitutionally "necessary and proper" for Congress to enact legislation for "federal control of the intrastate incidents of traffic in controlled substances [for] the effective control of the interstate incidents of such traffic" [21 U.S.C. § 801(6)] by "[r]egulated persons and of regulated transactions." However, it would not be constitutionally "necessary and proper" for Congress to enact legislation to punish **any person** for a "violation" of the "rules and regulations" promulgated by the Attorney General for "[r]egulated persons and of regulated transactions" and legislative branch didn't. The executive and judicial branches did!

Moreover, it would be constitutionally "necessary and proper" for Congress to enact legislation [21 U.S.C. § 885] to "EXEMPT" the government from the guarantee(s) of the fifth and sixth amendments to the Constitution for persons who applied, qualified, paid the required fee and signed a contract of agreement with the attorney general for federal jurisdiction to be federally regulated in the closed-commercial system of traffic in controlled substances. But it would not be constitutionally "necessary and proper" for Congress to Enact Legislation [21 U.S.C. § 885] that would "take-away" **any person's** fifth and sixth amendment "rights" to "due process of law" and to be "informed of the nature and cause of the accusation" respectively and "force" the defendant to "self-incriminate" himself with an "affirmative-defense." But the legislative branch didn't. The executive and judicial did branches did.

There is not one syllable of text in the Constitution or the statute (Section 841[a][1] of Title 21), that would confer federal jurisdiction *in personam* for the executive branch to arrest and prosecute, or the judicial branch to hear and adjudicate, the conduct of **any person** alleged to be "[i]n violation of Title 21, United States Code, Section 841(a)(1)..."

And Finally, at least since Re: Winship (25 L Ed 2d 368, Decided March 31, 1970) and "AFFIRMED" as late as January 12, 2005 in Booker to be the supreme law of the land, the court has jurisdiction to impose punishment upon the defendant based solely on the admission of guilt by the defendant, or a verdict of guilty by a jury of the defendant's peers. The reader would have a better chance of locating "weapons of mass destruction" in Iraq than he would finding a single trace of an admission or a jury verdict that would confer federal jurisdiction for either a sentencing court or a trial court to impose punishment upon **any person** for conduct NOT AUTHORIZED BY THIS SUBCHAPTER!

In short, the executive and judicial branches of the government of the United States have for 38-years (and with no end in sight) conducted America's "War on Drugs" under color of the DOCTRINE of CONSTRUCTIVE IMPLICATION in flagrant violation of the ancient laws (1215) installed by the Framers in the people's perpetual protections secured by the Constitution for the United States and guaranteed by the original 10 articles of amendment thereto. This "War on Drugs" is repugnant to the Framers' intent and qualifies as the "Mother of All Frauds" ever perpetrated by a government against its own people—an unmistakable sign of tyranny.

Duane R. Olson, Miami, Florida